

TWENTY-THIRD DAY

MONDAY, FEBRUARY 24, 1997

PROCEEDINGS

The Senate met at 11:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Elizabeth W. Parker, Saint Andrew's Episcopal Church, Amarillo, offered the invocation as follows:

Almighty and most merciful God, pour out upon these Senators Your divine wisdom and courage that they might enact laws that are pleasing to You. Fill their minds and quicken their hearts with a vision of a better country, a fairer city, and a more peaceful land. May they always do justice, love mercy, and walk in the ways of truth, to the glory of Your name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 20, 1997, was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE BILL 220

On motion of Senator Bivins and by unanimous consent, Senators Carona and Haywood will be shown as Co-authors of **SB 220**.

CO-AUTHOR OF SENATE BILL 258

On motion of Senator Ellis and by unanimous consent, Senator Madla will be shown as Co-author of **SB 258**.

CO-AUTHORS OF SENATE BILL 275

On motion of Senator Sibley and by unanimous consent, Senators Carona and Haywood will be shown as Co-authors of **SB 275**.

CO-AUTHOR OF SENATE BILL 290

On motion of Senator Zaffirini and by unanimous consent, Senator West will be shown as Co-author of **SB 290**.

CO-AUTHOR OF SENATE BILL 427

On motion of Senator Haywood and by unanimous consent, Senator Fraser will be shown as Co-author of **SB 427**.

CO-AUTHORS OF SENATE BILL 472

On motion of Senator Cain and by unanimous consent, Senators Shapiro and West will be shown as Co-authors of **SB 472**.

CO-AUTHORS OF SENATE BILL 503

On motion of Senator Ellis and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of **SB 503**.

CO-AUTHORS OF SENATE BILL 553

On motion of Senator Brown and by unanimous consent, Senators Armbrister, Gallegos, and Patterson will be shown as Co-authors of **SB 553**.

CO-AUTHOR OF SENATE BILL 585

On motion of Senator Nelson and by unanimous consent, Senator Madla will be shown as Co-author of **SB 585**.

CO-AUTHOR OF SENATE BILL 621

On motion of Senator Duncan and by unanimous consent, Senator Patterson will be shown as Co-author of **SB 621**.

CO-AUTHORS OF SENATE BILL 624

On motion of Senator Ratliff and by unanimous consent, Senators Luna and Madla will be shown as Co-authors of **SB 624**.

CO-AUTHOR OF SENATE BILL 630

On motion of Senator Duncan and by unanimous consent, Senator Lindsay will be shown as Co-author of **SB 630**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 25

On motion of Senator Duncan and by unanimous consent, Senator Patterson will be shown as Co-author of **SJR 25**.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 356 by Armbrister

Relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce; providing penalties.
To Committee on State Affairs.

SB 357 by Brown

Relating to the continuation and the functions of the Board of Pardons and Paroles.
To Committee on Criminal Justice.

SB 640 by Brown

Relating to the definition of invested capital for determining gas utility rates.
To Committee on State Affairs.

SB 642 by Harris

Relating to common nuisances and the investigation and abatement of those nuisances by the attorney general; making an appropriation.
To Committee on Jurisprudence.

SB 655 by Lindsay

Relating to the payment of fees and other charges to counties by credit card.
To Committee on Intergovernmental Relations.

SB 656 by Gallegos

Relating to the term of a school district depository contract.
To Committee on Education.

SB 657 by Barrientos, Armbrister, Luna, Madla, Wentworth, Zaffirini

Relating to the creation of intermunicipal commuter rail districts.
To Committee on State Affairs.

SB 658 by Cain

Relating to the creation of county development districts in certain counties; authorizing the issuance of bonds and the imposition of ad valorem taxes by a county development district.
To Committee on State Affairs.

SB 660 by Luna

Relating to the operation of a county sick leave pool program.
To Committee on Intergovernmental Relations.

SB 661 by Armbrister

Relating to the fraudulent exercise of certain governmental functions and the fraudulent creation or use of certain pleadings, governmental documents, and records; providing penalties.
To Committee on Jurisprudence.

SB 662 by Moncrief

Relating to the unauthorized practice of chiropractic; providing civil penalties and injunctive relief.
To Committee on Health and Human Services.

SB 663 by Whitmire

Relating to the authority of a judge to place a defendant convicted of a state jail felony on community supervision and to the conditions of community supervision that the judge may impose on the defendant.
To Committee on Criminal Justice.

SB 664 by Armbrister

Relating to the regulation of industrial hygienists and occupational safety professionals; providing a civil penalty.
To Committee on State Affairs.

SB 665 by Haywood

Relating to the sale and delivery of certain motor fuel; providing criminal and civil penalties.

To Committee on State Affairs.

SB 666 by Barrientos

Relating to tuition, fees, and student loans of and certain benefits for certain graduate students employed as teaching assistants, assistant instructors, or research assistants at public institutions of higher education.

To Committee on Finance.

SB 667 by Barrientos, West

Relating to the creation and administration of a program to assist individuals who are deaf or hard of hearing or who have an impairment of speech to purchase specialized telecommunications devices for telephone service access.

To Committee on Economic Development.

SB 668 by Shapiro, Barrientos, Carona, Moncrief

Relating to coverage under certain group health benefit plans for the diagnosis and treatment of infertility.

To Committee on Economic Development.

SB 669 by Shapiro

Relating to incentives for adoptive parents of certain children.

To Committee on Jurisprudence.

SB 670 by Shapiro

Relating to adoption incentives for licensed child-placing agencies.

To Committee on Jurisprudence.

SB 672 by Armbrister

Relating to permitting an aircraft to be used in alcoholic beverage advertising or promotion.

To Committee on State Affairs.

SB 674 by Brown, Nelson

Relating to the prosecution of the offense of possession or promotion of child pornography.

To Committee on Criminal Justice.

SB 675 by Ogden, Haywood

Relating to used fire control or fire rescue equipment donated to or made available by the Texas Forest Service.

To Committee on Jurisprudence.

SB 676 by Zaffirini

Relating to the prevention and recovery of benefits granted in error under the food stamp program and the program of financial assistance for persons with dependent children.

To Committee on Health and Human Services.

SB 677 by Harris

Relating to the regulation of automotive wrecking and salvage yards in certain counties; providing a penalty.

To Committee on Intergovernmental Relations.

SB 678 by Lindsay

Relating to the exemption from tuition and fees charged by a public institution of higher education to certain persons in state foster or other residential care.

To Committee on Finance.

SB 679 by Lindsay

Relating to the requirement that a portion of the sales and use tax revenue collected by certain metropolitan rapid transit authorities be used only for county and municipal road and bridge purposes.

To Committee on Intergovernmental Relations.

SB 680 by Harris

Relating to the termination of the parent-child relationship.

To Committee on Jurisprudence.

SB 682 by Armbrister

Relating to advertisements for health insurance coverage.

To Committee on Economic Development.

SB 713 by Nelson

Relating to enabling legislation for the powers of initiative and referendum.

To Committee on State Affairs.

SCR 28 by Moncrief

Relating to investigations of abuse in psychiatric facilities operated by the University of Texas System.

To Committee on Health and Human Services.

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. David J. Gabriel of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Gabriel and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 24, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS BOARD OF CRIMINAL JUSTICE for terms to expire February 1, 2003:

PATRICIA A. DAY
6162 Preston Haven
Dallas, Texas 75230

Ms. Day will be replacing Ellen Halbert of Austin whose term expired.

ALFRED C. MORAN
2612 Lora King Court
Arlington, Texas 76006

Mr. Moran will be replacing R. H. Duncan of Lufkin whose term expired.

ALFRED M. "MAC" STRINGFELLOW
309 East Hermosa
San Antonio, Texas 78212

Mr. Stringfellow will be replacing Joshua W. Allen, Sr., of Beaumont whose term expired.

TO BE MEMBERS OF TEXAS WOMAN'S UNIVERSITY BOARD OF REGENTS for terms to expire February 1, 2003:

MARIE CHAPMAN MARTCH
4478 Lakeview Drive
Belton, Texas 76513-5106

Ms. Martch will be replacing Darlene Medrano of Harlingen whose term expired.

CYNTHIA SHEPARD PERRY, Ed.D.
3602 South MacGregor
Houston, Texas 77021

Ms. Perry will be replacing Diana Marshall of Houston whose term expired.

PERRY N. BOLIN
2704 St. Charles
Plano, Texas 75074

Mr. Bolin will be replacing Jayne Lipe of Fort Worth whose term expired.

TO BE A MEMBER OF THE STATE BOARD OF NURSE EXAMINERS for a term to expire January 31, 1999:

MARCELO LAIJAS, Jr.
209 Southwood Oaks Drive
Floresville, Texas 78114

Mr. Laijas will be filling the unexpired term of Robert J. Provan of Austin who resigned.

TO BE A MEMBER OF THE EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS for a term to expire February 1, 1999:

MARTHA RODRIGUEZ
9117 Bridlewood #51-4
San Antonio, Texas 78240

Ms. Rodriguez is being reappointed.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

HCR 65, HCR 81, HCR 88, HCR 91

GUEST PRESENTED

Senator Zaffirini, joined by Senator Moncrief, was recognized and introduced to the Senate State Senator Warren E. Tolman of Watertown, Massachusetts.

The Senate welcomed Senator Tolman.

SENATE RESOLUTION 57

Senator Galloway offered the following resolution:

WHEREAS, The Senate of the State of Texas proudly recognizes the citizens of Port Arthur and joins them in recognition of Port Arthur Day, February 24, 1997; and

WHEREAS, The celebration of Port Arthur Day provides the citizens of Port Arthur with an opportunity to rejoice in the amenities of their outstanding city and to take pride in its unique contributions to the State of Texas; and

WHEREAS, Located nine miles from the Gulf of Mexico in Jefferson County, Port Arthur was named for Arthur E. Stillwell, president of the Kansas City Southern Railroad; he was instrumental in bringing the railroad to the townsite in the late 1800s; and

WHEREAS, The town grew extensively after the discovery of oil at Spindletop in 1901; refineries were built and the city's facilities were used for pumping the oil into sea-going vessels; and

WHEREAS, While situated in a famous oil refinery area, Port Arthur is also well known for its surrounding beauty; two national wildlife refuges, the McFaddin and the Texas Point National Wildlife refuges, are to the south of the city, and Pleasure Island is connected by the M. L. King-Gulfgate Bridge; and

WHEREAS, Snow geese, 23 species of ducks, and other waterfowl populate the enchanting marshes, and Sabine Lake and the nearby Gulf of Mexico provide for excellent freshwater and saltwater fishing opportunities; and

WHEREAS, Local citizens and tourists enjoy Sea Rim State Park and nearby Sabine Pass Battleground State Historical Park, which marks the site of a Civil War battle in which a small number of Confederates forced a large Union fleet to retreat; and

WHEREAS, Port Arthur residents are hardworking, generous, and hospitable and have united successfully to preserve the beauty and charm of their city; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the citizens of Port Arthur and extend best wishes for a rewarding and festive Port Arthur Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of high regard from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Galloway was recognized and introduced to the Senate Port Arthur Chamber of Commerce Chair Stuart Salter, Port Arthur Day Chair Karen Carnahan, and a delegation of citizens from Port Arthur.

The Senate welcomed its guests.

SENATE RESOLUTION 231

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Mr. Joaquin Triadu on the occasion of his visit to the Texas State Capitol on February 24, 1997; and

WHEREAS, Mr. Triadu is the Secretary General of the Office of the President of the autonomous region of Catalonia in the Kingdom of Spain; he is visiting our country under the auspices of the United States Information Agency's International Visitor Program; and

WHEREAS, Formerly the Director of Communications for the President of Catalonia, Mr. Triadu is a lawyer who has spent most of his professional career in the governing political party in Catalonia, occupying positions of increased importance and responsibility; he is the author of two books on law and history; and

WHEREAS, During Mr. Triadu's two-week professional program in the United States, he has been observing the political party structures and the lobbying and political action committees in this country's political system; he has been focusing on federalism, regionalism, and the impact of cultural diversity; and

WHEREAS, The citizens of the State of Texas are honored to have Mr. Joaquin Triadu as a guest in the Lone Star State, and it is sincerely hoped that his visit here is an enjoyable and informative one; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend hospitality and a warm welcome to Mr. Joaquin Triadu and express appreciation to this distinguished visitor for his participation in the International Visitor Program; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

(Senator Wentworth in Chair)

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate Mr. Joaquin Triadu, Secretary General of the Office of the President of the autonomous region of Catalonia in the Kingdom of Spain.

The Senate welcomed its guest.

SENATE RESOLUTION 235

Senator Nixon offered the following resolution:

WHEREAS, On February 24, 1997, many proud residents of Henderson County will be in Austin to celebrate Henderson County Day at the Capitol; and

WHEREAS, Bordered on the west by the Trinity River and on the east by the Neches River and Lake Palestine, the county was created on April 27, 1846, from parts of Nacogdoches and Houston counties and was named for James Pinckney Henderson, the first governor of the State of Texas; and

WHEREAS, The county seat is the city of Athens, which is renowned as the birthplace of that great American food staple, the hamburger, and as the Black-Eyed Pea Capital of the World; and

WHEREAS, The fertile and gently rolling terrain of Henderson County, combined with a temperate climate, has made the area a major center for the production of such vital agricultural commodities as grain, nursery crops, vegetables, melons, and hardwood timber, as well as cattle, horses, and swine; and

WHEREAS, The region is also rich in a number of valuable minerals, including oil, gas, clays, lignite, sulphur, sand, and gravel, and those resources have helped to create a thriving business community; and

WHEREAS, Henderson County boasts a variety of exciting and unique annual events, including the Texas Fiddlers' Contest and Reunion, the Black-Eyed Pea Jamboree, the Henderson County PRCA Stampede Rodeo, the Athens Triathlon, the Henderson County Livestock Show, and the Christmas Extravaganza; and

WHEREAS, Blessed with abundant natural beauty, Henderson County is an ideal locale for those who enjoy fishing and hunting, and the area is also home to the Texas Freshwater Fisheries Center, an innovative aquarium and hatchery complex with more than 300,000 gallons of aquaria; and

WHEREAS, The residents of Henderson County are justifiably proud of their fine community and of the many unique qualities that make it an outstanding place in which to live, work, and raise a family; in light of the citizenry's many contributions to the State of Texas, it is indeed appropriate that Henderson County be given special legislative recognition at this time; now, therefore, be it

RESOLVED, That the Senate of the 75th Texas Legislature hereby recognize February 24, 1997, as Henderson County Day at the Capitol and join with the citizens of Henderson County in paying tribute to one of Texas' finest counties; and, be it further

RESOLVED, That an official copy of this resolution be prepared for prominent display in Henderson County as a commemoration of this grand occasion and as an expression of high regard by the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate Minister Jeremy Kinross of Australia.

The Senate welcomed Minister Kinross.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation from the YMCA Trail Blazers of San Antonio.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Thursday, February 20, 1997, by Senator Shapiro.

Senator Madla moved confirmation of the nominees reported Thursday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Chair, State Board of Education: JOHN RAYMOND CHRISTIE, Harris County.

Members, Texas Higher Education Coordinating Board: LEONARD RAUCH, Chair, Harris County; WILLIAM C. ATKINSON, Brazos County; MARTIN BASALDUA, M.D., Harris County; DOLORES CARRUTH, M.D., Dallas County; ROBERT I. FERNANDEZ, Tarrant County; JODIE LEE JILES, Harris County; JOHN STEVEN "STEVE" LATE, Ector County; ROBERT W. SHEPARD, Cameron County; PAMELA PITZER WILLEFORD, Travis County.

Members, The Texas A&M University System Board of Regents: ANNE L. ARMSTRONG, Kenedy County; DIONEL E. AVILES, Ph.D., Harris County; ERLE ALLEN NYE, Dallas County.

Members, University of North Texas Board of Regents: JOE KIRVEN, Dallas County; BURLE PETTIT, Lubbock County; JOHN ROBERT "BOBBY" RAY, Collin County.

Members, State Board for Educator Certification: VIRGINIA S. COLLIER, Ph.D., Washington County; PEGGY O'NEILL DeROUEN, Kleberg County; JAMES DARRELL HARRIS, Lubbock County; ANDREW JACKSON, Fort Bend County; ARTHUR LACY, Collin County; MARY DENTON MEIER, Dallas County; JAMES E. NELSON, Ector County; ARTURO PACHECO, Ph.D., El Paso County; EDWARD NASH PATTON, Jr., Taylor County; CYNTHIA TASSOS PHILLIPS, Travis County; JAMES B. PRICE, Delta County; MARY MARGARET RUCKER, Harris County; VERNON KEITH SOCKWELL, Collin County.

Member, College Opportunity Act Committee: JOE MUNOZ, Tom Green County.

Consideration Postponed: To be Members of the MIDWESTERN STATE UNIVERSITY BOARD OF REGENTS: Mac Wilmer Cannedy, Jr., Wichita County; Barbara J. Dorman, Hale County; Elizabeth A. "Liz" Gifford, Randall County; Arnold Wray Oliver, Wichita County.

Members, Prepaid Higher Education Tuition Board: MICHAEL DAVID GOLLOB, Smith County; BETH MILLER WEAKLEY, Bexar County.

Member, Texas Prepaid Tuition Scholarship Foundation Board: GEORGE H. McSHAN, Cameron County.

Members, Stephen F. Austin University Board of Regents: PENNY H. BUTLER, Harris County; MICHAEL W. ENOCH, Chambers County; SUSAN SCHEUMACK ROBERDS, Dallas County.

Members, Texas State Technical College System Board of Regents: C. "CONNIE" DE LA GARZA, Cameron County; JERE M. LAWRENCE, Nolan County; JERILYN KYKER PFEIFER, Taylor County; THOMAS L. "TOMMY" WHALEY, Sr., Harrison County.

Rio Grande Compact Commissioner of Texas: JACK HAMMOND, El Paso County.

SENATE RESOLUTION 232

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the members of the Hungarian Parliament, Mr. Miklos Rusznak, Dr. Zsolt Semjen, and Ms. Terezia Szilagyi-Csaszar, on the occasion of their visit to the Texas State Capitol on February 24, 1997; and

WHEREAS, These members of the Hungarian Parliament are visiting our country for two weeks under the auspices of the United States Information Agency's International Visitor Program; and

WHEREAS, Mr. Miklos Rusznak is an agricultural expert and a member of the Hungarian Parliament's Agricultural Committee; he is a member of the Agricultural Grassroots Organization and has published an article on the theory of self-government; and

WHEREAS, Dr. Zsolt Semjen is number two in the Party's Parliamentary Group and a member of the Social and Health Committee; he holds a doctorate

in theology, is a member of the Hungarian Society of Sociology, and has written several articles on church affairs; and

WHEREAS, Ms. Terezia Szilagyi-Csaszar is a member of Parliament and a notary; she is president of the Hungarian Woman's Organization and a board member of the European Women's Union; and

WHEREAS, The citizens of Texas are honored to have these distinguished visitors as guests in the Lone Star State, and it is sincerely hoped their visit here is an informative and an enjoyable one; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend hospitality and a warm welcome to Mr. Rusznak, Ms. Szilagyi-Csaszar, and Dr. Semjen and express appreciation to each of them for participating in the International Visitor Program; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Nixon and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

(Senator Brown in Chair)

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate Miklos Rusznak, Dr. Zsolt Semjen, and Ms. Terezia Szilagyi-Csaszar, members of the Hungarian Parliament.

The Senate welcomed its guests.

SENATE RESOLUTION 233

Senator Whitmire offered the following resolution:

WHEREAS, The Texas Senate takes great pride in honoring all those who embody the finest Texas traits of loyalty, dedication, perseverance against all odds, determination, discretion, and longevity; and

WHEREAS, William Clay Robison was born on this date in 1947 in San Antonio, Texas, thus meeting the test of longevity; and

WHEREAS, Clay Robison has spent the past quarter-century as a member of the Fourth Estate, working his first 10 years at the now-defunct *San Antonio Light*, thus meeting the test of dedication; and

WHEREAS, Clay Robison has been bureau chief of the *Houston Chronicle* for the past 15 years, making him the longest-serving Austin bureau chief of any Texas media, thus meeting the test of loyalty; and

WHEREAS, In recent years Clay Robison has abandoned running in the Capitol 10,000, dashing, instead, after his six-year-old daughter, Taylor, and his two-year-old son, Adrian, thus meeting the test of determination; and

WHEREAS, Clay Robison continues his daily task of detailing the minutiae of state government, thus meeting the test of perseverance against all odds; and

WHEREAS, Some journalists have channeled their insider knowledge into tell-all bestsellers like *Primary Colors*, but Clay Robison has, instead, coauthored three riveting textbooks on state government, thus meeting the test of discretion; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend and applaud the career of Clay Robison and honor him on the auspicious occasion of his 50th birthday; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Clay Robison as a memento of this special day.

The resolution was read and was adopted by a viva voce vote.

GUEST PRESENTED

Senator Whitmire was recognized and introduced to the Senate Clay Robison.

The Senate welcomed Mr. Robison.

MORNING CALL CONCLUDED

The Presiding Officer at 11:55 a.m. announced the conclusion of morning call.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 438 ON SECOND READING

Senator Armbrister moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 438** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended for **CSSB 438**:

CSSB 438, Relating to application of the capitol view corridors to construction, renovation, and equipment of Darrell K Royal-Texas Memorial Stadium.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 438 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 438** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 438 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 22 ON SECOND READING

Senator Harris moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SJR 22** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended for **SJR 22**:

SJR 22, Proposing a constitutional amendment to provide for transferring the school tax freeze on the homestead of an elderly person to a new homestead in certain circumstances.

The resolution was read second time and was passed to engrossment by a viva voce vote.

SENATE JOINT RESOLUTION 22 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 22** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SJR 22 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HISTORICAL LETTER READ

On motion of Senator Truan and by unanimous consent, the following historical letter read by Senator Sibley was ordered printed in the *Senate Journal*:

TRAVIS LETTER 1836:
TO THE PEOPLE OF TEXAS AND ALL AMERICANS
COMMANDANCY OF THE ALAMO
BEFORE FEBRUARY 24TH 1836

TO THE PEOPLE OF TEXAS AND ALL AMERICANS IN THE WORLD

I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of liberty, of patriotism, and everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined

to sustain myself as long as possible and die like a soldier who never forgets what is due to his honor and that of his country.

Victory or Death.

Colonel William Barrett Travis

P.S. The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted house 80 or 90 bushels and got in the walls 20 or 30 head of beeves.

Travis.

MEMORIAL RESOLUTION

SR 230 - by Ellis: In memory of Bishop Ernest Thomas Dixon, Jr., of San Antonio.

CONGRATULATORY RESOLUTIONS

SCR 31 - by Madla: Congratulating Sheriff Warren B. Guthrie of Edwards County.

SR 226 - by Lindsay: Congratulating Christopher Scott Bankhead of Spring.

SR 227 - by Cain: Congratulating John Seibert of East Dallas.

SR 229 - by Lindsay: Congratulating Travis Steve Carroll of Houston.

MISCELLANEOUS RESOLUTIONS

SR 234 - by Shapiro: Recognizing February 28, 1997, as Taiwan Peace Day.

HCR 52 - (Ratliff): Recognizing January 29, 1997, as Jefferson Day at the State Capitol.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:08 p.m. adjourned until 11:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

February 24, 1997

INTERGOVERNMENTAL RELATIONS — **CSSB 451**

FINANCE — **SB 460** (Amended), **CSSB 128**

HEALTH AND HUMAN SERVICES — **CSSB 476**

STATE AFFAIRS — **SB 237** (Amended)

INTERGOVERNMENTAL RELATIONS — **CSSB 192**, **CSSB 236**

STATE AFFAIRS — **SB 495**, **SB 557**, **SB 541** (Amended)

